



MEMO

TO: Mayor Tom Phillips
City Council Members
Wade Wagoner, Planning & Economic Development Director

FROM: Luke Parris, City Planner

DATE: May 18, 2016

RE: Regulating Urban Chickens in Norwalk

Recently the City has been considering the allowance of urban chickens on a case by case basis decided by the City Council. The City Staff has been receiving an increasing number of requests for the City Council to consider allowance of urban chickens on specific property. At the May 5, 2016 City Council meeting, the City Council directed staff develop a proposal for a formal process to regulate urban chickens.

CURRENT PRACTICES

The City currently regulates urban chickens in the City Code and the City Zoning Ordinance. The City Code defines livestock as "an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or **poultry**." Chapter 55.05 of the City Code regulates livestock by stating:

It is **unlawful for a person to keep livestock** within the City except by **written consent of the Council** or except **in compliance with the City's zoning** regulations.

The City's Zoning Ordinance defines Agriculture as "the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, **poultry husbandry**, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities."

The City's Zoning Ordinance allows agricultural activities as a principal use in the Agricultural Reserve District (A-R). The City's residential districts (RE-1, R-1, R-2, R-3, and R-4) only allow for crops and private gardens, with the exception that the Single-Family Rural Estates District (RE-1) allows for stables and the keeping of horses. **The City's Zoning Ordinance does not currently allow for the keeping of chickens in any residential district.**

Recent requests have been brought forward under Chapter 55.05 because the City's Zoning Ordinance does not allow the keeping of chickens in residential districts. This allowance is similar to the issuance of a special use permit which is traditionally a responsibility of the City's Board of Adjustment. Because of the recent increase in requests, it is Staff's opinion that the City Council's role in this matter, with recommendation from the Planning & Zoning Commission, should be setting the legislation going forward, and then letting the issue be regulated as they determine in the legislation.

ALTERNATIVE PRACTICES

The City has several options to consider in regulating urban chickens:

1. Determine that chickens are not appropriate in residential districts.
 - This would likely still require an amendment to Chapter 55.05 of the City Code to remove the current loophole that allows for Council to give written consent.
2. Determine that chickens should be allowed by right in residential districts.
 - This would require an amendment to Chapter 55.05 to remove the current loophole
 - This would require an amendment to the Zoning Ordinance to allow the keeping of chickens in whichever residential districts the City felt appropriate.
 - Staff would recommend limiting chickens to no more than 4 egg laying hens, no roosters, and limiting them to the RE-1 and R-1 districts. Staff does not feel that chickens are an appropriate accessory use in the multi-family districts.
3. Determine that chickens should be allowed chickens by special use permit in residential districts.
 - This would require an amendment to Chapter 55.05 to remove the current loophole
 - This would require an amendment to the Zoning Ordinance to allow the keeping of chickens, by special use permit, in whichever residential districts the City felt appropriate.
 - The special use permits are issued by the Board of Adjustment.
 - Staff would recommend limiting chickens to no more than 4 egg laying hens, no roosters, and limiting them to the RE-1 and R-1 districts. Staff does not feel that chickens are an appropriate accessory use in the multi-family districts.

OTHER CONSIDERATIONS

The City may also want to visit the issue of other agricultural activities in urban areas. Recent trends have seen more and more requests for different types of minor agricultural activities in urban areas throughout the Country. In addition to chicken requests, Staff has received inquiries regarding peacocks, goats, potbelly pigs, and bee keeping. As part of the process to develop amendments for urban chickens, the City could also explore the option of allowing other minor agricultural activities as allowed accessory uses to single family homes. As part of the process, the City could also prescribe any limitations that were believed necessary.